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Application Number	09/970,375
Filing Date	10/3/2001
First Named Inventor	PAINTER
Art Unit	2636
Examiner Name	B. SWARTHOUT
Total Number of Pages in This Submission: 18	Attorney Docket Number: NO11005

ENCLOSURES *(Check all that apply)*

- [✓] Fee Transmittal Form
- [ ] Fee Attached
- [ ] Amendment/Reply
- [ ] After Final
- [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
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- [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
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- [ ] Petition
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- [ ] Appeal Communication to Board of Appeals and Interferences
- [✓] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FRANK J. KOZAK NAVTEQ, NORTH AMERICA, LLC
Signature	Frank J. Kozak
Date	NOV. 29, 2004

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 340.00

Complete if Known	
Application Number	09/970,375
Filing Date	10/3/2001
First Named Inventor	PAINTER
Examiner Name	B. SWARTHOUT
Art Unit	2636
Attorney Docket No.	ND110US

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50 0728

Deposit Account Name: NAVTEQ NORTH AMERICA, LLC

The Director is authorized to: *(check all that apply)*

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) —

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims		-20** =		X	=
Independent Claims		- 3** =		X	=
Multiple Dependent					=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) —

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	340
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) ($) 340.00

SUBMITTED BY				(Complete *(if applicable)*)	
Name (Print/Type)	Frank J. Kozak	Registration No. (Attorney/Agent)	32,908	Telephone	312/894-7000
Signature	Frank J. Kozak			Date	Nov. 29, 2004

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OIPE JC81 DEC 0 2 2004 PATENT & TRADEMARK OFFICE

AF/2636 IFW

PATENT
Case No. N0110US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JEFFREY E. PAINTER	
Serial No. 09/970,375	Group Art Unit: 2636
Title: NAVIGATION SYSTEM THAT SUPPORTS MULTIPLE LANGUAGES AND FORMATS	Examiner: BRENT SWARTHOUT
Filed: October 3, 2001	

APPEAL BRIEF

Commissioner for Patents
Alexandria, Virginia 22313-1450

This appeal brief is submitted pursuant to 37 CFR 41.37. This is an appeal of the final Office Action dated June 3, 2004. A Notice of Appeal was filed on September 30, 2004. Authorization for payment of the fee prescribed by 37 CFR 41.20(b)(2) accompanies this brief.

(1) REAL PARTY IN INTEREST

The real party in interest is NAVTEQ, North America, LLC (formerly Navigation Technologies Corporation), a publicly traded corporation that has its headquarters in Chicago, Illinois.

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(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

(3) STATUS OF CLAIMS

Claims 1-11 are pending.

All the pending claims were rejected and all the pending claims have been appealed.

(4) STATUS OF AMENDMENTS

There has been no amendment filed subsequent to the final rejection.

(5) SUMMARY OF INVENTION

Appellant's claims relate to a type of navigation system in which end users obtain navigation services from a server (page 1, lines 13-26). One consideration to be addressed with this type of navigation system is providing navigation services in different languages. For example, some end users may want navigation information in English, whereas other end users may want navigation information in French, Spanish, or another language (page 2, lines 14-17). Appellant's claims relate to a navigation system that addresses this consideration.

Appellant's independent Claim 1 relates to a *"navigation system"* (110 in FIG. 1; page 4, lines 13-15 and 20-23) in which *"end user electronic devices"* (130 in FIG. 1; page 4, lines 24-31) send *"requests"* for *"navigation services"* (page 4, lines 15-19) to a

"customer-interface server" (202(1) in FIGS. 1 and 2; page 5, line 26-page 6, line 28), which in turn, transmits *"query messages"* (page 6, lines 15-21) over the *"Internet"* (140 in FIGS. 1 and 2, page 5, lines 2-6) to a *"navigation-services server"* (200 in FIGS. 1 and 2; page 7, line 1-page 8, line 9) for information to respond to the *"requests."* The *"navigation-services server"* (200 in FIGS. 1 and 2; page 7, lines 2-10) uses *"navigation applications"* (280 in FIGS. 2 and 3; page 8, lines 11-29) and an associated *"geographic database"* (270 in FIGS. 2 and 3; page 7, line 11-page 8, line 9) to formulate *"language-independent reply messages"* (420 in FIGS. 2 and 3, page 15, lines 11-23) that are sent (page 17, lines 15-17) to the *"customer-interface server"* (202(1) in FIGS. 1 and 2). The *"customer-interface server"* (202(1) in FIGS. 1 and 2) uses the *"language-independent reply messages"* (420 in FIGS. 2 and 3) to formulate *"responses"* (page 17, line 17-page 18, line 1) that are sent (page 18, lines 1-4) to the *"end user electronic devices"* (130 in FIG. 1).

Appellant's independent Claim 7 relates to a method for providing routing information using a *"navigation system"* (110 in FIG. 1; page 4, lines 13-15 and 20-23). According to Appellant's Claim 7, a *"customer-interface server"* (202(1) in FIGS. 1 and 2; page 5, line 26-page 6, line 28) receives a request over a *"data network"* (140 in FIGS. 1 and 2, page 5, lines 2-6) from an *"end user"* (130 in FIG. 1; page 4, lines 24-31) for route guidance to a destination. The *"customer-interface server"* (202(1) in FIGS. 1 and 2) sends a message over the *"data network"* (140 in FIGS. 1 and 2) to a *"navigation-related information server"* (200 in FIGS. 1 and 2; page 7, line 1-page 8, line 9) for maneuvering instructions. Then, the *"navigation-related information server"* (200 in

FIGS. 1 and 2) calculates a route (302 in FIG. 4) to the destination and determines a *"series of maneuvers"* (340 in FIG. 5 and 350 in FIG. 6; page 12, lines 15-22) for traveling along the route to the destination. The *"navigation-related information server"* (200 in FIGS. 1 and 2) forms a *"language- and format-independent data structure"* (420 in FIGS. 2 and 3, page 15, lines 11-23) that represents the *"series of maneuvers"* (350 in FIG. 5). The *"navigation-related information server"* (200 in FIGS. 1 and 2) sends the *"language- and format-independent data structure"* (420 in FIGS. 2 and 3, page 15, lines 11-23) over the *"data network"* (140 in FIGS. 1 and 2, page 5, lines 2-6) to the *"customer-interface server"* (202(1) in FIGS. 1 and 2). The *"customer-interface server"* (202(1) in FIGS. 1 and 2) uses the *"language- and format-independent data structure"* (420 in FIGS. 2 and 3, page 15, lines 11-23) to form *"language- and format-specific maneuvering instructions"* (page 17, line 17-page 18, line 4) which are then provided to the *"end user"* (130 in FIG. 1) over the *"data network"* (140 in FIGS. 1 and 2).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

At issue is whether Appellant's independent Claims 1 and 7 and dependent Claims 2, 5, 8 and 10 are obvious under 35 U.S.C. 103 over the combination of U.S. Pat. No. 6,477,526 ("Hayashi") and U.S. Pat. No. 6,297,748 ("Lappenbusch"). Also, at issue is whether Appellant's dependent Claims 3, 4, 6, 9, and 11 are obvious under 35 U.S.C. 103 over the combination of Hayashi, Lappenbusch, and U.S. Pat. No. 6,553,309 ("Uchida").

(7) ARGUMENT

Appellant's claims relate to a navigation system in which end users can obtain navigation services in different languages from a server (page 1, lines 13-26). In the final Office Action, Appellant's independent Claims 1 and 7 were rejected as obvious over the combination of Hayashi and Lappenbusch. In the final Office Action, the position was taken that Hayashi disclosed all the limitations of Appellant's Claim 1, except that Hayashi did not disclose that the reply messages were language independent. According to the final Office Action, Lappenbusch teaches the desirability of providing an end user with language independent navigation information so that data from plural different systems can be used (*See*, final Office Action, page 2, lines 19-20).

The position that Appellant's independent Claims 1 and 7 and dependent Claims 2, 5, 8 and 10 are obvious over the combination of Hayashi and Lappenbusch is in error for at least the following three reasons.

1st reason - The rejection of Appellant's claims is based on a misreading of the specific language in the claims.

First of all, the rejection of Appellant's claims in the final Office Action is in error because it is based on a misreading of these claims. This results in a misstatement of the method of operation of Appellant's claimed system. In fact, the system purported in the final Office Action to be defined by Appellant's claims operates in almost exactly the opposite way as the system defined by the actual language of Appellant's claims. Because of this misreading of Appellant's claims, the prior art references are applied to a system that is different from Appellant's claimed system.

The misstatement of Appellant's claims occurs in the portion of the final Office Action in which Hayashi and Lappenbusch are applied to Appellant's Claim 1. Referring to the final Office Action, it states that Hayashi discloses certain navigation system components *". . . except for specifically stating that the reply messages are language independent"* (final Office Action, page 2, lines 10-16). Then, the final Office Action states *"Lappenbusch teaches the desirability of providing navigation information to an end user which is language independent, so that a common format is used so that data from plural different systems can be utilized by an end user"* (final Office Action, page 2, lines 17-20). [Emphasis added.] Then, the final Office Action states *"It would have been obvious to use language independent data for communication from a server to an end user in a system as disclosed by Hayashi, in order that a user could have effectively used route guidance data from a plurality of differently formatted data sources"* (final Office Action, page 2, lines 21-24).

The above quoted statements from the final Office Action misstate the actual language in Appellant's claims. The statements and conclusion expressed in the final Office Action mistakenly state that Appellant's claims call for language independent data to be sent to end users. Appellant's claims do not recite that language independent data is sent to end users. Rather, Appellant's independent claims recite that *"language independent reply messages"* are sent from a *"navigation services server"* to a *"customer-interface server."* Then, Appellant's independent claims recite that the *"customer-interface server"* uses the *"language independent reply messages"* to formulate *"responses"* that are sent to end users.

In the system and method recited by Appellant's claims, the *"responses"* sent by the *"customer-interface server"* to the end users can be (and most likely would be) language dependent. Thus, end users of Appellant's claimed system can obtain navigation information in whatever language they like, so long as it is supported by the *"customer-interface server."* Appellant's claimed system enables English-speaking end users to obtain navigation information in English, Spanish-speaking end users to obtain navigation information in Spanish, French-speaking end users to obtain navigation information in French, and so on. Appellant's claimed system enables providing language dependent navigation information to be sent to end users by isolating the end users from the *"navigation services server."* This isolation is provided by the *"customer-interface server."* This is almost exactly opposite to the system mistakenly described as being Appellant's system by the final Office Action. According to the system mistakenly described as being Appellant's system in the final Office Action, end users receive reply messages that are language independent from a server. Appellant takes no position on whether such a system would have any utility or whether it would be obvious over Hayashi and Lappenbusch. However, since such a system is not the system described by Appellant's claims, these issues are not relevant to the patentability of the Appellant's claims.

Because the rejection in the final Office Action is premised on a misinterpretation of Appellant's claims and overlooks the actual specific language of the claims, the rejection of Appellant's claims as obvious over the combination of Hayashi and Lappenbusch is in error.

2nd reason - Hayashi relates to "formats" not "languages."

Another reason why Appellant's claims are not obvious over the combination of Hayashi and Lappenbusch, is that even if these references were combined, they do not disclose all the limitations of Appellant's claims. Specifically, neither Hayashi nor Lappenbusch discloses the sending of *"language-independent reply messages"*, as recited in Appellant's claims.

The final Office Action acknowledged that Hayashi did not disclose reply messages that were language independent, but stated that Lappenbusch taught the desirability of providing an end user with navigation information that was language independent. The position expressed in the final Office Action that Lappenbusch teaches the desirability of providing an end user with navigation information that is *language* independent is in error. Lappenbusch does not teach *language* independence. Rather, Lappenbusch addresses an entirely different problem. Lappenbusch refers to *"formats"*, specifically *"file formats."* Lappenbusch recognizes the problem that traffic data obtained from different sources may be in different *formats*. (Lappenbusch: column 2, lines 25-34.) Lappenbusch discloses that the data in different formats may be converted into a common *"file format."* (Lappenbusch: column 8, lines 38-52.) A *"format"* for data is not the same as a *"language"*, such as English, Spanish, or French. Although Lappenbusch may teach the desirability of a common *"file format"*, Lappenbusch does not have any disclosure relating to or teaching the desirability of *language-independence*. For this reason, Appellant's claims are not obvious over the combination of Hayashi and Lappenbusch.

3rd reason - Hayashi and Lappenbusch fail to disclose a system in which a server, to which requests for navigation services are sent, sends responses to the requests, as recited in Appellant's claims.

Another reason why Appellant's claims are not obvious over the combination of Hayashi and Lappenbusch is that these references, even if combined, fail to disclose the feature of the Appellant's claims that *"responses"* to end user *"requests for navigation services"* are sent from a *"customer-interface server"* to *"end user electronic devices."*

For the sake of argument, assume that the WWW server 22 of Hayashi corresponds to the *"customer-interface server"* of Appellant's Claim 1 and that the route calculation server 16 of Hayashi corresponds to the *"navigation-services server"* of Appellant's Claim 1. In Hayashi, the route calculation server 16 prepares a *"route data point sequence"* and *"route ID"* which are sent to the WWW server 22. (Hayashi: column 9, lines 9-13.) Then, the Hayashi WWW server 22 sends the *"route ID"* to the user terminal 1. However, Hayashi specifically states that the *"route point data sequence"* is not sent to the end user terminal 1 because it is too large. (Hayashi: column 9, lines 32-35.) According to Hayashi, the end user terminal 1 makes a separate request for route information by sending the *"route ID"* to the map server 12 in order to obtain the GIF image of the route. (Hayashi: column 9, lines 45-64.) Thus, in the Hayashi system, the end user receives route information from the map server 12 and not the WWW server 22. Therefore, Hayashi is unlike Appellant's Claim 1, which recites that the *"responses"* for the *"requests for navigation services"* are obtained by the end users

from the same server (i.e., the *"customer-interface server"*) to which the *"requests"* are sent.

For this additional reason, Appellant's claims are not obvious over the combination of Hayashi and Lappenbusch.

Appellant's dependent Claims 3, 4, 6, 9, and 11

Appellant's dependent Claims 3, 4, 6, 9, and 11 include additional subject matter related to the use of XML and XML stylesheets (page 15, lines 18-20; page 15, line 29-page 17, line 11) for the *"language independent reply messages"* (420 in FIGS. 2 and 3) that are sent from the *"navigation-services server"* (200 in FIGS. 1 and 2; page 7, lines 2-10) to the *"customer-interface server"* (202(1) in FIGS. 1 and 2). In the final Office Action, Appellant's dependent Claims 3, 4, 6, 9, and 11 were rejected as obvious over the combination of Hayashi, Lappenbusch, and U.S. Pat. No. 6,553,309 ("Uchida"). According to the final Office Action, Uchida teaches the desirability of using the XML format for navigation data (final Office Action, page 3, line 5).

Appellant's dependent Claims 3, 4, 6, 9, and 11 are allowable over the combination of Hayashi, Lappenbusch, and Uchida for at least two reasons. First, Appellant's dependent Claims 3, 4, 6, 9, and 11 depend on allowable base claims (as explained above) and therefore are also allowable. Secondly, Appellant's dependent Claims 3, 4, 6, 9, and 11 are allowable because the statement in the final Office Action about the teachings of Uchida is in error. Contrary to the position taken in the final Office Action, Uchida does not teach the desirability of using XML for navigation data. Uchida discloses using XML to modify a menu screen in a navigation system (Uchida:

column 9, lines 43-61). This is an entirely different usage compared to the use of XML for formatting navigation data.

For the above reasons, Appellant's dependent Claims 3, 4, 6, 9, and 11 are not obvious over the combination of Hayashi, Lappenbusch, and Uchida.

ARGUMENT SUMMARY AND CONCLUSION

Appellant's claims relate to a type of navigation system in which end users obtain language-dependent navigation services from a remote server. The navigation system described by Appellant's claims accomplishes this by providing a separate customer interface server that isolates the end users from a navigation information server. End users request navigation services from the customer interface server, which formulates requests for navigation services from the navigation information server. The navigation information server sends language independent responses containing navigation-related information to the customer interface server, which then formulates replies that are sent to the end users.

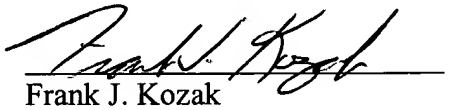
Appellant's claims are not obvious over the combination of Hayashi and Lappenbusch. The final Office Action rejection is premised on a misstatement of the actual language in Appellant's claims. Furthermore, Lappenbusch, which is relied on in the final Office Action for showing language independent messages, does not even disclose *language* independent messages, but instead discloses using a common *file format* for data. Finally, Hayashi, which is relied on for showing components of

Appellant's claimed system, discloses a system in which the components function in a significantly different way.

Therefore, the rejection of Appellant's Claims 1-11 is in error.

Appellant respectfully requests the Board to reverse the rejection of Claims 1-11.

Respectfully submitted,



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(8) APPENDIX

1. A navigation system comprising:

end user electronic devices;

a customer-interface server; and

a navigation-services server,

wherein said end user electronic devices send requests for navigation services to said customer-interface server and receive responses to said requests from said customer-interface server;

wherein said customer-interface server includes programming that, upon receiving said requests from said end user electronic devices, transmits query messages over the Internet to said navigation-services server, wherein said query messages request navigation information for responding to said requests;

wherein said navigation-services server receives said query messages from said customer-interface server, and using navigation applications installed on said navigation-services server and a geographic database associated therewith, formulates language-independent reply messages to said query messages, and sends said language-independent reply messages to said customer-interface server; and

wherein said customer-interface server further includes programming that, upon receiving said language-independent reply messages from said navigation-services server, formulates said responses and sends said responses to said end user electronic devices.

2. The navigation system of Claim 1 wherein said requests for navigation services from said end user electronic devices are sent to said customer-interface server over the Internet.

3. The navigation system of Claim 1 wherein said language-independent reply messages are in XML format.

4. The navigation system of Claim 1 wherein said customer-interface server uses XML stylesheets to formulate the responses that are sent to said end user electronic devices.

5. The navigation system of Claim 1 wherein the responses that are sent to said end user electronic devices are in HTML format.

6. The navigation system of Claim 5 wherein said customer-interface server uses an XML stylesheet to formulate the responses that are sent to said end user electronic devices into HTML format.

7. A method for providing routing information using a navigation system, the method comprising:

on a customer-interface server, receiving a request over a data network from an end user for route guidance to a destination;

from the customer-interface server, sending a message over the data network to a navigation-related information server for maneuvering instructions;

on the navigation-related information server, after receiving the message from the customer-interface server, calculating a route to the destination and determining a series of maneuvers for traveling along a route to the destination;

on the navigation-related information server, forming a language- and format-independent data structure that represents the series of maneuvers;

from the navigation-related information server, sending the language- and format-independent data structure over the data network to the customer-interface server;

on the customer-interface server, using the language- and format-independent data structure received from the navigation-related information server to form language- and format-specific maneuvering instructions; and

from the customer-interface server, providing the form language- and format-specific maneuvering instructions to the end user over the data network.

8. The method of Claim 7 wherein the language- and format-specific maneuvering instructions are in HTML format.

9. The method of Claim 7 wherein the language- and format-independent data structure is in XML format.

10. The method of Claim 7 wherein the data network comprises the Internet.

11. The method of Claim 7 wherein said customer-interface server uses an XML stylesheet to form the language- and format-specific maneuvering instructions.